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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,209	10/13/2004	Petrus Henricus Cornelius Bentvelsen	NL 020307	2145

7590 06/01/2006

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EXAMINER

RIZK, SAMIR WADIE

ART UNIT PAPER NUMBER

2133

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/511,209		BENTVELSEN ET AL.	
	Examiner		Art Unit	
	Sam Rizk		2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTIONS

- Amended claims 1-11 have been submitted for examination
- Amended claims 1-5, 7-11 have been rejected
- Amended claim 6 stands objected to as containing allowable subject matter as per previous office action.

Response to Arguments

1. Applicant's arguments see pages 10-13, filed on 2/16/2006 have been fully considered but they are not persuasive.

2. First: The applicant argue , see page 12, lines (7-12) that Christensen US publication no. 2002/0009033 (now patent no. 6928040) does not teach:

"Applicants submit that while Christensen discloses setting the Q-mode address field 530 to a certain predetermined value, to wit, 0001, there is no disclosure in Christensen that the Q-mode field 530 is a predetermined position at which user data may be recorded after mastering".

However, the Examiner notes that Christensen teaches the method and apparatus that can recognize and identify copy protection in the testing and verification (that means after mastering) process (Note: Sections [0026] and [0033] in Christensen). Additionally Christensen teaches the method relates to encoding a CD with selected data identifying copy protection techniques. The data can be placed in unused sectors of a CD, in particular the lead-in (that is

predetermined) area (Note: Section [0034] and Section[0060], field table in Christensen)

3. Second: The applicant argue, see page 12, lines(21-25) through page 13, (1-11) that Christensen does teach:

“Applicants submit that while Christensen discloses calculating the CRC inclusive of the pre-set Q-mode address field 530, **Christensen does not store this calculated CRC at auxiliary data positions as in the present invention.**

Rather, Christensen stores the CRC in the originally intended CRC field. In the subject invention, the other hand, the intended CRC field, i.e., the error detection data positions, are set to a second predetermined symbol value. This is such that when the user data is recorded to the read-only record carrier, the user data is recorded in the predetermined recordable positions which heretofore contain the first predetermined symbol values, while the error detection data previously stored in the auxiliary data positions, are corrected taking into consideration the newly recorded user data, and these corrected error detection data are then stored at the error detection data positions previously containing the second predetermined symbol value”.

However, The Examiner notes that Christensen teaches that the calculated CRC stored at auxiliary data positions. (Note FIG. 6, reference signs (630), (670) and (680) and Section[0060], field table in Christensen)

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4. Third: the applicant argue the intended use of Christensen invention for use by test equipment during mastering, see page 10, lines (20-23) and page 11, lines (1-3)

"The Christensen patent publication discloses identifying copy protected optical compact discs in which data identifying copy protection techniques are placed in unused sectors of a CD, particularly in the lead-in area. While a CD reader (player) does not use these sectors and would ignore the data therein, test equipment would read this data and be able to identify the copy protection scheme.

However, the Examiner directs the applicant to the MPEP section ¶ 7.37.09 of the office guidelines for intended Use:

a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

5. It is the Examiner's conclusion that amended 1-5, and 7-11 are not patentably distinct or non-obvious over the prior arts of record namely, Christensen
Therefore, the rejection is maintained as in the office action filed on 11/25/2006.
6. Claim 6 stand objected to based on the dependency on claim 4.

Drawings

7. In view of the amended drawing filed on 2/16/2006, all objections to the drawings are withdrawn

Claim Rejections - 35 USC § 112

8. In view of the amended claim 2, filed on 2/16/2006, rejection to claim 2 under 35 USC § 112, first paragraph is withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE amended MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

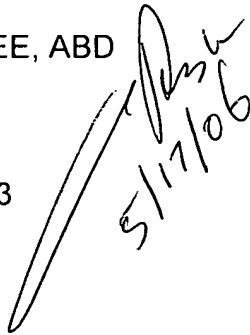
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk, MSEE, ABD

Examiner

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 5/17/06



**GUY LAMARRE
PRIMARY EXAMINER**